IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.15503 of 2008
MITHILESH YADAV @ MITHU
Versus

STATE OF BIHAR
- - - -

3. 2.7.2008 The petitioner is not named in the F.I.R. of a case under Section 393 of the Indian Penal Code. He was arrested on suspicion and the police appears creating some evidence through some of the witnesses that the petitioner and others were seen while running away from the scene of the occurrence.

The contention is that if it were like the fact as is made to be by the police, the petitioner must have been named in the F.I.R.

Regard being had to the fact and the defence that the petitioner is not named in the F.I.R., let the petitioner be directed to be released from custody on his furnishing a bond of Rs. 3,000/-( three thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar, in Katihar Town P.S. Case No. 395 of 2005.

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Kanth

**( Dharnidhar Jha, J.)**